

REMARKS

Claims 1 through 18, 23, 24, 27 through 45, 49, 54 and 60 through 83 continue to be in the case.

Claims 46, 47, 52 and 56 through 59 are additionally being cancelled.

New claims 84 through 90 are being submitted.

New claims 84 through 90 are based on Fig. 7 and to some extent on Fig. 8 and on the specification in US Patent Application Publication No. US 2004/0266531 A1 paragraph 53 to 56.

The Office Action refers to Claim Rejections - 35 USC § 103

Claims 1-69,71 stand rejected under 35 U.S.C. 103(a) as being obvious over Gauselmann (DE 196 24 321 A1), Bridgeman et al. (US 5,033,744) and further in view of Horan (US 4,647,604). For purposes of this action, Examiner will use the patent (USPN 6,089,980) as a translation of DE 196 24 321 A1. All citations will be made with reference to locations in the US Patent.

The reference to Horan (US 4,647,604) appears to be erroneous, since the reference does not refer to gaming equipment.

Regarding claims 1,27,34-46 Gauselmann teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col. 6, 10); displaying symbols on a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig. 1 shows several symbols displayed on a display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game - this is how slot machines operate). Gauselmann teaches controlling the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216).

Gauselmann does not teach influencing the course of the game by an operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol, and renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached.

However, Bridgeman teaches of a draw poker game wherein a player may substitute a predetermined number of symbols in a given round. In draw poker, the

player uses controls on the console to determine which cards to hold. This is influencing the course of the game by an operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol. Further, Bridgeman discloses renewing the symbols until a winning symbol combination is reached (Fig. 4, "Instant Win" step 418). Bridgeman does not specifically disclose allowing an unlimited number of card substitutions within a predetermined time window, and instead allows a player to make a predetermined number of card substitutions in a given round. However, Bridgeman discloses that "The preferred embodiment of our game is a maximum of five zaps per round and only one zap allowed per card position. Game design allows other embodiments, for instance the maximum number of zaps per round is a game design parameter" (col. 3, lines 1-5), wherein a "zap" constitutes a card substitution. In the cited passage, Bridgeman contemplates adjusting the number of substitutions as a design parameter at the discretion of the inventor, wherein said parameter could include any number of card substitutions in a given round. Further, Gauselmann discloses that in order to win a jackpot prize, the player must obtain a winning combination within a predetermined time window (col. 8, lines 30-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a draw poker type game wherein a player is allowed to make unlimited card substitutions in order to obtain a

winning card combination within a predetermined time window, as is taught by the combination of Gauselmann and Bridgeman.

Further, It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the slot machine of Gauselmann in view of the draw poker features of Bridgeman to influence the course of the game by an operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known popularity of draw poker. The inventions are analogous in that they are both slot machines in the player entertainment field of endeavor. Additionally, all of the claimed features were known at the time of the invention and one of ordinary skill in the art could have combined the features with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Applicant respectfully disagrees. Claim 1 of the instant application contains the clause "substituting a symbol by another randomly determined symbol; renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;". Thus the claim allows renewing within a predetermined time window.

The reference Bridgeman et al. fails to teach that there should be a time window during which renewal can take place. The reference Gauselmann does not teach any renewal. A person of ordinary skill in the art attempting to combine the references would not have renewal within a time window because both references fail to teach such a feature. Applicant respectfully submits that where the references agree not to have renewal within a predetermined time window, then a person of ordinary skill in the art attempting to combine the references will not incorporate renewal within a predetermined time window.

Claim 27 contains the clause: “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;”. Here again the applied references agree not to have renewal within a predetermined time window.

Claim 34 includes the following language: “randomly drawing all cards (38) of the active entertainment automat; determining if a game time has ended (39) at the active entertainment automat;”.

The first of these clauses requires drawing cards randomly and the second clause requires that there is an ending of the game time. Thus claim 34 again requires that all cards are randomly drawn prior to an ending of the game time.

Claims 34 and 35 represent the embodiment of Fig. 3. Claims 36 and 37 represent the embodiment of Fig. 4. Claim 38 and 39 represent the embodiment of Fig. 5. Claims 40 and 41 represent the Fig. 6. Claims 42 and 43 represent the Fig. 7. Claims 44 and 45 represent Fig. 8.

It is further submitted that a conversion of the entertainment automat of the reference Gauselmann into a poker-like machine would clearly not be obvious to a person of ordinary skill in the art despite all assertions to the contrary in the Office Action. With the references Walker et al. and Bridgeman et al. both providing poker-like machines, a person of ordinary skill in the art might have combined the references Walker et al. and Bridgeman et al. for a poker-like machine and such person of ordinary skill would have no motivation would have no motivation to consider the machine of the reference Gauselmann. With the availability of draw-poker like machines as evidenced by the references Walker et al. and Bridgeman et al., the alleged well known popularity of draw poker would not induce a person of ordinary skill in the art into a conversion reconstruction of the machine of the reference Gauselmann.

Applicant further submits that where according to Bridgeman et al. the maximum number of zaps per round is to be considered a design

parameter, then an unlimited amount of zaps as in the present invention is not a design parameter. Therefore, a person of ordinary skill in the art would not convert the machine of the reference Gauselmann into a poker-like machine with unlimited card substitutions, where even the machine of Bridgeman et al. does not furnish unlimited card substitutions.

A person of ordinary skill in the art would clearly not convert the machine of the Gauselmann referenced to draw poker, but instead have focused on known draw poker machines independent of the alleged well known popularity of draw poker. It has to be realized that placing an operational element disposed on the front side of the entertainment automat alone does not furnish a conversion of the entertainment automat of the Gauselmann reference, but there is necessary additional construction, wiring, adaptation and changed interfaces.

It is also respectfully submitted that if not all of the claimed features were known at the time of the invention, that such features would be subject matter of other patent applications.

The Office Action says that "one of ordinary skill in the art could have combined the features with no change in their respective functions". This statement is clearly not met for the requirement of claim 1 "renewing

the symbols within a predetermined time window until a winning carrying symbol combination is reached;”, where both references Gauselmann and Bridgeman et al. fail to teach this step.

The Office Action goes on: “the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.”. However applicant urges that a combination of the references Gauselmann and Bridgeman et al. would not provide the step: “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;”.

Regarding claims 2,8,19,28,69 Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1) and simultaneously switching the played entertainment automats into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter (col. 2, 30-37). Gauselmann teaches determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit and coordinating the winning value to that entertainment automat, which entertainment

automat has reached the highest winning within the time limited game mode. This is the rank sequence determination described at col. 2, lines 39-43.

Regarding claims 3,11,13,15,18, Gauselmann teaches the invention substantially as claimed. Gauselmann teaches a timed game or series of games (col. 2, lines 37-39). Gauselmann fails to teach the details of draw poker - drawing cards, determining if the card are a winning hand, indicating which cards to hold, drawing new cards for discarded cards, etc. As noted above, these details are a conventional part of the draw poker game taught by Walker.

Applicant respectfully submits that the following sequence of steps is not taught by the references Gauselmann and Walker et al.:

” determining if a game time has ended;

displaying the winning values in case the game time has ended;

determining if a key has been depressed in case the game time has not yet ended;

determining if the depressed key is a hand out key or a hold key in case a key had been depressed;

randomly drawing cards not being held in case the hand out key had been depressed;

holding cards in case the hold key had been depressed;

actualize the intermediate state;

determining if a certain winning combination had been reached;

randomly drawing again all cards if the certain winning combination had been reached;

determining again if the game time has ended if the certain winning combination had not been reached.”.

Certainly the step of : “randomly drawing again all cards if the certain winning combination had been reached; ” is not part of the teaching of the references Gauselmann, Bridgeman et al. and Walker et al.

Regarding claims 4,12,36 Gauselmann teaches determining if a special symbol combination or a jackpot winning value has been reached after inserting payment into the automatic entertainment automat. This is the jackpot trigger value discussed in col. 2, lines 31-37.

Applicant relies on a patentability of claim 4 on the language of claim 3.

Regarding claims 5,21,30,31 Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1). Gauselmann teaches determining which one of the entertainment automats assumes a master function and determining which one of the entertainment automats assumes a slave function (col. 7, lines 13-18). Gauselmann teaches determining if a jackpot filling level has reached a predetermined release amount, starting a jackpot game at the entertainment automat performing the slave function, waiting until the slave is ready, activating the game time for the entertainment automats, randomly drawing all cards (i.e. playing one or more games), determining if a game time has ended, collecting the game results of the slave entertainment automat in the master entertainment automat, distributing of the game results to the slave entertainment automat by the master entertainment automat (col. 4, lines 64-col. 5, line 5), calculating of the winning amount, and displaying the winning amount (col. 8-9).

Claim 5 requires “randomly drawing all cards;” during an activated game time. This feature is not taught in the reference Gauselmann.

Regarding claim 6, Gauselmann discloses teaching a readiness signal to the master entertainment automat and waiting by the slave entertainment automat for an activation of the game time through the master entertainment automat (col. 7-8).

Regarding claim 7, see claims 1,3 and 4.

The last clause of claim 7 clearly distinguishes over the references Gauselmann and Bridgeman et al. regarding renewal of the symbols within a predetermined time period.

Regarding claim 9, see claims 1 and 2.

Claim 9 contains clauses requiring: “influencing the course of the game by an operational element disposed on the front side, substituting a symbol by another randomly determined symbol, and renewing the symbols within a predetermined time window”. These steps define the present invention versus the references Gauselmann and Bridgeman et al.

Regarding claim 10, Gauselmann discloses monitoring a credit balance state with the first operational block exhibiting a game stake, i.e. a credit meter (Fig. 1, 3),

monitoring the total playing time (col. 8, lines 30-39), determining winning symbols during the complete game time by a control unit, illustrating and displaying the randomly determined winning symbols with a symbol display device (i.e. how any slot machine functions), and determining a remaining residual game time (col. 8, lines 65-66). As previously discussed, Walker discloses operational elements furnished on the front side of the entertainment automat.

Claim 10 contains a clause determining in case of a presence of residual game time, if an operational element furnished on the front side of the entertainment automat has been actuated.

Regarding claims 14,17, Gauselmann teaches initiating a network by actuating the power switch of each entertainment automat (col. 6, lines 66-67), assuming of the master function by one of the entertainment automats, wherein the master function comprises essentially that a coordination of the entertainment automats present in the network is performed with respect to the collection of data through the counter state of the jackpot amount and the release of a common special game, which takes place at all entertainment automats present in the network at the same time, switching the second entertainment automat, present in the network to a slave function, randomly determining a symbol combination in an operational block and displaying the symbol

combination in the symbol display device in case of a sufficient credit balance state, transferring an adjustable shared part amount of the game stake of each base game to a common jackpot counter, checking the counter state of the jackpot counter in a branching block following to a determination of the winning value in the base game, sending from the master a control signal to all other entertainment automats present in the network if the predetermined jackpot counter state is reached or surpassed, wherein the slave switch to the supplemental game based on the control signal after termination of the base game, monitoring in an operational block, if an okay signal was returned by all slaves, starting the supplemental game at the same time in all participating coin actuated entertainment automats (col. 7-9). Col. 7, lines 15-19 disclose slave terminals communicate confirmation signals to the master terminal.

Claim 17 requires the clause: “checking in a second branching block, if an operational element furnished on the front side of the entertainment automat was actuated;”. The reference Gauselmann fails to teach such an operational element.

Regarding claim 33-46, Gauselmann substantially discloses the invention as claimed. In the primary embodiment, Gauselmann discloses the primary game to consist of a reel-type slot machine game (col. 5, lines 40-54). However, Bridgeman discloses the draw poker gaming machine embodiment, as described above, wherein a

player's hand of cards is evaluated for pre-determined winning outcomes, including a royal flush.

However it is urged that the reference Bridgeman et al. teaches different method steps than claim 34 of the present application.

Further, the limitation of claim 34 wherein a game time is activating upon determining that a special symbol combination has been reached, i.e. initiating the draw poker game as a result of a bonus game triggering symbol combination, is not specifically disclosed by Gauselmann/Bridgeman. Instead, Gauselmann discloses activating the time window, i.e. triggering the bonus event, as a result of a progressive jackpot threshold being reached (col. 8, lines 6-19). However, it would have been obvious to one of ordinary skill in the art at the time of the invention as bonus round triggers as notoriously well known to commonly be symbol combinations, as evidenced by Slomiany et al. (US 6,159,098), in col. 4, lines 34-48; and Thomas et al. (US 6,190,255) in col. 9, lines 4-6.

The reference Slomiany et al. recites in column 4, lines 34 to 48 any of five possible basic game outcomes, which all appear to be different from the method steps of claim 34. The reference Thomas et al. teaches in column 9, lines 4 to 6 that a certain combination will trigger play of the bonus game, independent of the number of coins played, whenever party

favor symbols are displayed ... It is urged that the references Slomiany et al. and Thomas et al. stand for the proposition that different items may be triggered in a bonus event.

Thus, triggering a bonus round by obtaining a predetermined symbol combination does not render the invention new, novel or unobvious to one of ordinary skill in the art.

Applicant respectfully disagrees. To consider for patentability separately individual steps of a method claim is an improper consideration of patentability. A proper consideration of patentability requires consideration of the claim as a whole.

Additionally the question is not what renders the invention new, novel, or unobvious to one of ordinary skill in the art, but the question is if a claim considered as a whole is unobvious over the references applied. Thus it is believed that the rejection of claim 34 is clearly improper.

In addition, a statement relating to a generalization "triggering a bonus round" of a specific step of a claim appears to be an improper rejection of the claim amongst others because a rejection is to refer to a

specific language of a claim or claims and is not a teaching statement “by obtaining a predetermined symbol combination” relating to one generalized step of a claim.

Applicant respectfully submits that a statement “by obtaining a predetermined symbol combination” does not clearly refer to

Claim 34 comprises amongst other steps the following sequence of steps.

“activating a game time (37) of the active entertainment automat if it is determined that a special symbol combination (49) has been reached;
randomly drawing all cards (38) of the active entertainment automat;
determining if a game time has ended (39) at the active entertainment automat;
presenting the winning amount on a display if the game time is determined to be ended;”

Applicant is also submitting 7 new claims.

Reconsideration of all outstanding rejections is respectfully requested. All claims as presently submitted are deemed to be in form for allowance and on early notice of allowance is earnestly solicited.

Respectfully submitted,

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